

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARGARET MELINDA SPRAGUE,

Plaintiff,

v.
THE MEDICAL BOARD OF
CALIFORNIA, ET AL.,

Defendants.

CASE NO. 07cv1561 BTM(LSP)

**ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS
AND DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Plaintiff filed her Complaint on August 8, 2007. Plaintiff simultaneously filed a motion to proceed in forma pauperis ("IFP Motion") and a motion for appointment of counsel.

In determining whether to appoint counsel under 42 U.S.C. § 2000e-5(f)(1), a district court should consider the following three factors: (1) the plaintiff's financial resources; (2) the efforts made by the plaintiff to secure counsel on his or her own; and (3) the merit of the plaintiff's claim. Johnson v. U.S. Dept. of Treasury, 939 F.2d 820, 824 (9th Cir. 1991). Ultimately, the determination of whether to appoint counsel is left to the sound discretion of the district court. Id.

Although the first two factors weigh in Plaintiff's favor, it is unclear at this early stage of litigation whether Plaintiff's claims have any merit. Furthermore, it appears from the Complaint, IFP Motion, and Request for Appointment of Counsel, that Plaintiff is wholly capable of representing herself. Therefore, Plaintiff's Request for Appointment of Counsel

1 is DENIED WITHOUT PREJUDICE.

2 The Court has considered Plaintiff's declaration in support of her motion to proceed
3 IFP, and finds that Plaintiff has made a sufficient showing of inability to pay the filing fees and
4 court costs. Accordingly, **IT IS ORDERED THAT:**

- 5 (1) Plaintiff's motion to proceed in forma pauperis is **GRANTED**. Plaintiff is
6 permitted to prosecute this action without being required to prepay fees or
7 costs and without being required to post security.
- 8 (2) The Clerk of Court shall file Plaintiff's Complaint without prepayment of the
9 filing fee.
- 10 (3) The United States Marshal shall serve a copy of the Complaint and this Order
11 upon Defendant as directed by Plaintiff on U.S. Marshal form 285. All costs
12 of service shall be advanced by the United States.
- 13 (4) Plaintiff shall serve upon Defendants, or, if appearance has been entered by
14 counsel, upon Defendants' attorneys, a copy of every further pleading or other
15 document submitted or filed for the Court's consideration. Plaintiff shall include
16 with the original document to be filed with the Clerk of Court a certificate stating
17 the manner in which a true and correct copy of such document was served on
18 Defendants or Defendants' counsel and the date of service.

19 **IT IS SO ORDERED.**

20 DATED: September 5, 2007



21 Honorable Barry Ted Moskowitz
22 United States District Judge
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